

Rule 10 - Suspensions, Demotions, Discharges

10.10 Authority to Suspend, Demote and Discharge

The appointing authority may suspend, demote or discharge a regular employee for just cause. Suspensions may not exceed thirty (30) days.

(1) Requirement

In cases of discharge, a pretermination conference is required. It is not elaborate nor does it need to definitely resolve the propriety of the discharge. The pretermination conference serves as an initial check against mistaken decisions and to determine whether the reasonable presumption charges against the employee are valid and support the discharge.

10.20 Procedure for Suspension, Demotion or Discharge and Appeals

No person in classified civil service, as a regular member thereof, shall be removed, suspended, demoted or discharged except for just cause and only upon written notice of the appointing authority served upon the employee.

10.30 Procedure for Appeals

Any employee so removed, suspended, demoted or discharged, within ten (10) days from the time thereof, may file with the Commission a written appeal, whereupon the Commission shall conduct an investigation. The investigation shall be confined to the determination of whether such action was or was not made for political or religious purposes or was or was not made in good faith for just cause.

The Commission, within thirty (30) days after the receipt of the notice of appeal, shall hold or provide for holding a hearing of which the employee and the appointing authority shall be given notice of the date, time and place of such hearing, and at which the employee and the appointing authority shall have the privilege to be heard either personally or through counsel. All hearings shall be informal and shall be conducted with the object of obtaining the facts in the matter. The deliberations of the Commission shall be confined to determining whether or not the suspension, demotion or discharge was made in good faith for just cause. Within thirty (30) days of the conclusion of the hearing the Commission shall render its decision.

The findings of the Commission shall be certified in writing to the appointing power. If the decision of the Commission orders a modification of the

suspension, demotion or discharge, the findings shall state wherein the Commission finds that the order was not made in good faith for just cause. The Commission may affirm, reverse or modify the order of the appointing authority as authorized by Chapter 2.12 of the RMC, and shall file a written statement of the commission's findings in support of its order with its records and serve a certified copy thereof on the appointing authority.

If the Commission shall find that the removal, suspension or demotion was not made in good faith for just cause, it shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment form which such person was removed, suspended, demoted or discharged; which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

10.40 Cause of Discharge

In addition to those listed in the civil service law, the following are declared to be cause for discharge from the classified service:

- (A) Incompetence, inefficiency or inattention to or dereliction of duty.
- (B) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct him/herself, or any willful violation of the provisions of RMC 2.12 or the Rules and Regulations adopted by the Commission.
- (C) Mental or physical unfitness for the position which the employee holds.
- (D) Dishonest, disgraceful, immoral or prejudicial conduct.
- (E) Drunkenness or use of intoxicating liquors, narcotics or any other habit forming drug, liquid or preparation while on duty or to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service.
- (F) Conviction for any felony crime or a misdemeanor involving moral turpitude.
- (G) Acceptance for personal use of a fee, gift or other valuable thing.
- (H) Misuse of position.

- (I) Falsifying reports or records. Making false or fraudulent statements.
- (J) Violation of law, of official rules or regulations, of orders, or failure to obey any lawful or reasonable direction when such failure or violation amounts to insubordination or breach or discipline.
- (K) Willful or repeated negligence in performing duties. Engaging in activities which interfere with the ability to perform the job effectively.
- (L) Engages in conduct that is subversive of public order and discipline, and sustained conduct detrimental to the efficiency or morale of the service.
- (M) Possession of explosives, firearms, weapons of any type or hazardous substances while on the job or City property unless specifically authorized.
- (N) Failure to hold and maintain required licenses, certifications or endorsements.
- (O) Any other act or failure to act which in the judgment of the Civil Service Commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

10.50 Court Appeal

The employee may appeal the Commission's decision according to the procedure provided by RMC 2.12.070. The costs of all transcripts and copies to be certified by the Commission shall be paid by the appellant pending final disposition of the case by the court.